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18 Attorneys for Sheri Bywater,
19 on behalf of herself and all others similarly situated

20 **UNITED STATES DISTRICT COURT**

21 **SOUTHERN DISTRICT OF CALIFORNIA**

22 **PATRICIA CONNOR,**
23 **INDIVIDUALLY AND ON BEHALF**
24 **OF ALL OTHERS SIMILARLY**
25 **SITUATED**

26 **PLAINTIFFS,**

27 **V.**

28 **JPMORGAN CHASE BANK AND**
FEDERAL NATIONAL MORTGAGE
ASSOCIATION A/K/A FANNIE MAE,

DEFENDANTS.

Case No.: 10-cv-1284 GPC (BGS)

CLASS ACTION

DECLARATION OF SHERI
BYWATER IN SUPPORT OF JOINT
MOTION FOR FINAL APPROVAL
OF CLASS ACTION SETTLEMENT
AND ATTORNEYS FEES

Date: December 4, 2014

Time: 1:30 p.m.

Courtroom: 2D

THE HON. GONZALO P. CURIEL

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3 1. I, Sheri L. Bywater, one of the Plaintiffs in this action, was approved in the
4 Court's March 12, 2012 Preliminary Approval Order to serve as Class
5 representative in this action. I submit this declaration in support of the Joint
6 Motion for Final Approval of the Class Action Settlement and Motion for
7 Attorneys' Fees and Costs. If called as a witness, I would competently
8 testify to the matters herein from personal knowledge.
- 9 2. Before the filing of this Complaint, I met with my attorneys for an initial
10 consultation regarding Defendants' alleged wrongful actions. Throughout the
11 litigation of this case, I participated in the negotiations of this case in the
12 following ways: I made myself available at short notice to answer questions
13 and assist my attorneys; I had numerous conversations with my attorneys in
14 describing the events and the facts of this case and answering any other
15 questions that they had; and, I have read numerous documents including but
16 not limited to the complaint, MOU, Settlement Agreement, preliminary
17 approval papers and the Addendum to the Settlement Agreement.
- 18 3. I have reviewed and discussed with my attorneys the terms of the Settlement
19 Agreement prior to the entry of the Preliminary Approval Order and I
20 understand those terms. I have also reviewed and discussed the Addendum
21 to the Settlement Agreement with my attorneys and I understand those terms.
22 I support the final approval of this settlement and believe the settlement is
23 fair and reasonable.
- 24 4. I understand that prior to the hearing date on the Motion for Final Approval,
25 Defendants identified a portion of the Settlement Class that inadvertently was
26 not provided notice. As a result, the Parties agreed to continue the hearing on
27 the Motion for Final Approval in order to allow Defendants to identify the
28 entire population. I understand that Defendants have identified an additional

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2 1,498,593 Settlement Class Members ("Group 2"), of which 1,303,112 are
3 potentially entitled to make a claim.

4 5. It is my understanding that there are less than ten objections filed for Group
5 1 and Group 2 combined and Class Counsel will specifically address those
6 objections once the deadline for objections has passed. As a result, I feel that
7 is strong indication of the merits of the settlement, which is more reason for
8 granting the final approval.

9 6. I understand that my attorneys will move the Court for an incentive payment
10 of \$5,000 total to be paid from the Settlement Fund to the class
11 representatives, which includes myself and Plaintiff Patricia Connor. I
12 understand that any such award will have to be approved by the Court.

13 7. I further understand that my attorneys will also move the Court for an award
14 of attorneys' fees and costs to be paid from the Settlement Fund. The amount
15 paid for the attorneys' fees and costs shall be: 1) \$2,250,000 (taken out of the
16 common fund) for work done under the original settlement agreement for
17 Group 1; 2) \$125,000 (paid directly by Defendants) for work done under the
18 amended settlement agreement for Group 2 and; 3) Costs of \$23,878.58
19 associated with Group 1 settlement (taken out of the common fund). It is my
20 understanding that Defendants will not object to a request by Class Counsel
21 for attorneys' fees and costs as described above. However, I understand that
22 any such award will have to be approved by the Court.

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I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 30, 2014 at Pleasanton, California, pursuant
to the laws of the United States.

/s/ Sheri L. Bywater
Sheri L. Bywater



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